UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

CONSORZIO DEL PROSCIUTTO DI SAN DANIELE, Plaintiff,	)	C.A. No. 07-039ML
v.	)	
DANIELE, INC., Defendant.	)	

PLAINTIFF'S OBJECTION TO
DEFENDANT'S SECOND MOTION FOR SUMMARY JUDGMENT

Defendant has moved for summary judgment. Plaintiff objects to the motion in all respects.

Defendant claims that the different trademark required by the settlement agreement of March 2005 does not have to be a trademark at all. This is contrary to the plain meaning of the settlement agreement.

Defendant also claims that the logo depicted in Exhibit A to the settlement agreement should suffice as the "different trademark" required by the agreement. This, too, is contrary to the agreement, which treated the logo and the trademark as two separate matters.

Defendant's motion does not even address many of the claims made by Plaintiff in its complaint. These claims must proceed to discovery and trial regardless of the Court's ruling on this motion.

For these reasons, as set forth in the accompanying memorandum of law, the

Court should deny Defendant's motion for summary judgment.

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CERTIFICATION

I hereby certify that on May 12, 2008, a copy of the foregoing Plaintiff's Objection to Defendant's Second Motion for Summary Judgment was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system, or by e-mail or to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

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